REMARKS

Applicants have thoroughly considered the Examiner's remarks in the October 15, 2007 final Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment B amends claims 1, 6, 7, 22, 28-30, 33-37, 43, 45-47, 49-64, 66, 68, 70, 72, and 75 and cancels claims 3, 4, 31, 32, 44, and 48. No new matter has been added.

Claims 1, 2, 5-30, 33-43, 45-47, and 49-75 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Drawings

Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.

Information Disclosure Statement

Applicants request that the Examiner consider the Supplemental Information Disclosure Statement filed on October 8, 2007.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-2, 5-7, 9-30, 33-38, 40-43, 45-47, 50-52, 55-56, 59 and 61-75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer et al. (U.S. Pub. App. 2001/0031066), hereinafter "Meyer", in view of Srivastava et al. (U.S. Pat. No. 6,549,922) hereinafter "Srivastava".

Meyer teaches media objects embedded with identifiers. An identifier is associated with each media object (e.g., each audio file). An identifier is extracted and sent to a server that maps the identifier to an action such as returning metadata. Meyer discloses a number of ways to associate the identifier with an audio object (Meyer, paragraph [0013]). Meyer is directed to the encoding and decoding of the identifier (Meyer, paragraph [0014]).

Srivastava teaches the automatic extraction and transformation of metadata into logical annotations (Srivastava, Abstract). Srivastava discloses storing the media and associated XML document containing the annotations in database (Srivastava, column7, lines 63-67; column8, lines 27-36).

Claims 1, 29, and 59

Claim 1 as amended recites:

> **populating a request data structure**, said request data structure comprising a request type identifier defining a type for the computer storage medium, a request identifier, and **a plurality of metadata elements** stored with the media content file, wherein the request type identifier comprises MDQ-CD or MDQ-DVD;
> requesting metadata for the media content file from a metadata provider via the populated request data structure, **wherein, in response to receiving the populated request data structure, the metadata provider searches for the requested metadata in a database based on the received plurality of metadata elements and identifies the relevant metadata** from the search results; and
> **receiving a return data structure** from the metadata provider, said return data structure storing a return type identifier defining the type for the computer storage medium, the request identifier, and **identified relevant metadata** corresponding to the requested metadata, wherein the return type identifier comprises MDR-CD or MDR-DVD.

The method embodied in claim 1 searches for the requested metadata in a database based on the received **metadata elements** (paragraph [0060]; FIG. 5). The method correlates the results with a table to identify the requested metadata (paragraph [0060]; FIG. 5). For example, metadata sent to the metadata provider may include **multiple content identifiers** (e.g., multiple metadata elements in the MDQ data structure) (paragraph [0063]). Advantageously, sending multiple content identifiers representing the same media file improves the validation accuracy of the metadata match (paragraph [0063]). For example, when a request is made for CD metadata, only a TOC value may be available to send as a metadata element in the request for metadata (paragraph [0063]). While the TOC value may be in a metadata database maintained by the metadata provider, the mapping may be incorrect (e.g., a publication error) (paragraph [0063]). However, if other metadata elements are available from the media file (e.g., a WMID, a DSP generated fingerprint, or textual metadata such as album title, artist, genre, track duration, etc.), the client sends those other metadata elements to the metadata provider (paragraph [0063]). The metadata provider uses all the received metadata elements to identify the relevant metadata and to correlate the match results to compute an accuracy rating (paragraph [0063]).

Thus, Meyer and Srivastava, alone or in combination with the other cited references, do not teach or suggest **the metadata provider searches for the requested metadata in a database based on the received plurality of metadata elements and identifies the relevant**

metadata from the search results as recited in claim 1. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. KSR International Co. v. Teleflex, Inc. U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the **element** of **the received plurality of metadata elements** nor the **result** of **searches for the requested metadata in a database based on the received plurality of metadata elements** is not found in the combined art. Thus, Applicants submit that claims 1 is allowable and the rejection should be withdrawn. Furthermore, claims 29 and 59 have been similarly amended as claim 1 and Applicants submit that claims 29 and 59 are allowable and the rejection should be withdrawn. Claims 2, 5-21, 30, 33-36 and 60-63 depend from claims 1, 29, and 59, respectively, and allowable for at least the same reasons as claims 1, 29, and 59.

Claims 43, 47, 64, and 68

Claim 43 as amended recites:

a request type identifier defining a type for a destination computer storage medium storing the media content, said **media content being one song from a plurality of songs associated with an album**, wherein the request type identifier comprises MDQ-CD or MDQ-DVD;
a request identifier; and
one or more metadata elements stored with the media content, wherein, **in response to the receipt of the data structure, the second computing device returns metadata for the plurality of songs associated with the album**.

Advantageously, returning the metadata for an entire album when metadata for a song is requested enables efficient use of the network. For example, when a client requests metadata for a track, the metadata source returns metadata for a complete album (paragraph [0074]). The media player stores the album information in a local cache (paragraph [0074]). On subsequent requests for metadata for other tracks, the client requests the metadata from the local cache instead of the metadata provider (paragraph [0074]). If CDs have an average of fifteen tracks, this method improves performance by greater than fifteen times for users who have full CDs (paragraph [0074]).

Thus, Meyer and Srivastava, alone or in combination with the other cited references, do not teach or suggest **in response to the receipt of the data structure, the second computing device returns metadata for the plurality of songs associated with the album** as recited in

claim 43. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. KSR International Co. v. Teleflex, Inc. U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the **element** of a request type identifier defining a type for a destination computer storage medium storing the media content, said media content **being one song from a plurality of songs associated with an album** nor the **result** of the second computing device returns metadata for the plurality of songs associated with the album is not found in the combined art. Thus, Applicants submit that claims 43 is allowable and the rejection should be withdrawn. Furthermore, claims 47, 64, and 68 have been similarly amended as claim 43 and Applicants submit that claims 47, 64, and 68 are allowable and the rejection should be withdrawn. Claims 45-46, 49-50, 65, 67, and 69 depend from claims 43, 47, 64, and 68, respectively, and allowable for at least the same reasons as claims 43, 47, 64, and 68.

Claims 37 and 72

Claim 37 as amended recites:

populating a request data structure, said request data structure comprising a request type identifier defining a type for the computer storage medium, a request identifier, and **a plurality of metadata elements** stored with the media content file, wherein the request type identifier comprises MDQ-CD or MDQ-DVD;

requesting metadata for the media content file from a metadata provider via the populated request data structure, wherein, in response to receiving the populated request data structure, **the metadata provider searches for the requested metadata in a database based on the received plurality of metadata elements, identifies the relevant metadata** from the search **results, and correlates relevant metadata from the search results to compute an accuracy rating based on the received plurality of metadata elements; and**

receiving a return data structure including the accuracy rating from the metadata provider, said return data structure storing a return type identifier defining the type for the computer storage medium, the request identifier, and identified relevant metadata corresponding to the requested metadata, wherein the return type identifier comprises MDR-CD or MDR-DVD and wherein **the computing device determines whether or not to overwrite metadata for the media content file with the identified relevant metadata of the returned data structure based on the accuracy rating.**

Metadata sent to the metadata provider may include multiple content (paragraph [0063]). The metadata provider uses the received **metadata elements** to identify the relevant metadata and to correlate the match results to **compute an accuracy rating** (paragraph [0063]). The **accuracy rating enables the client to decide how to apply the returned metadata** (paragraph [0064]). For example, if the quality is considered to be a perfect match, then the invention associates the received metadata with the media file without user interaction and overwrites whatever metadata is currently present in the media file (paragraph [0064]). If the quality is considered to be questionable, then the invention prompts the user to confirm the match before altering the media file (paragraph [0064]). In this manner, the invention improves the quality and efficiency of the end user experience (paragraph [0064]).

Thus, Meyer and Srivastava, alone or in combination with the other cited references, do not teach or suggest **correlating relevant metadata from the search results to compute an accuracy rating based on the received plurality of metadata elements and determining whether or not to overwrite metadata for the media content file with the identified relevant metadata of the returned data structure based on the accuracy rating** as recited in claim 37. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. KSR International Co. v. Teleflex, Inc. U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the <u>element</u> of **accuracy rating** nor the <u>result</u> **of the computing device determines whether or not to overwrite metadata for the media content file with the identified relevant metadata of the returned data structure based on the accuracy rating** is not found in the combined art. Thus, Applicants submit that claims 37 is allowable and the rejection should be withdrawn. Furthermore, claim 72 has been similarly amended as claim 37 and Applicants submit that claim 72 is allowable and the rejection should be withdrawn. Claims 38-42 depend from claims 37 and allowable for at least the same reasons as claim 37.

Claims 23 and 55

Claim 55 as amended recites:

> a first field storing a primary identifier value, said first field having a label of WMPrimaryClassID; and

a second field storing a secondary identifier value, said second field having a label of WMSecondaryClassID, wherein **the primary identifier value and the secondary identifier value are assigned from a pre-defined pool of identifier values controlled by an authorized party to prevent confusion and pollution of a namespace and wherein the primary identifier value and the secondary identifier value classify the media content**.

The data structure includes a first field storing a primary identifier value and a second field storing a secondary identifier value (paragraph [0086]; FIG. 9). The first and second fields represent increasing levels of **granularity for classifying the media content** (paragraph [0086]). The two media class identifiers or tags formulate a namespace representing a media type (paragraph [0087]). The primary class identifier is **granular enough to permit a gross classification** with the **secondary class identifier serving as a refinement** (paragraph [0087]). For example, Table A1 lists video as primary media class identifier and Table A2 lists video_home as a secondary class identify (Appendix A). And, while additional values may be assigned as needed, the pool of assigned values is controlled and limited to prevent confusion and pollution of the namespace (e.g., GUIDs generated and assigned by third parties) (paragraph [0088]).

Thus, Meyer and Srivastava, alone or in combination with the other cited references, do not teach or suggest **the primary identifier value and the secondary identifier value are assigned from a pre-defined pool of identifier values controlled by an authorized party to prevent confusion and pollution of a namespace** as recited in claim 55. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. KSR International Co. v. Teleflex, Inc. U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the <u>element</u> of **the primary identifier value and the secondary identifier** nor the <u>result</u> of **the primary identifier value and the secondary identifier value are assigned from a pre-defined pool of identifier values controlled by an authorized party to prevent confusion and pollution of a namespace** is not found in the combined art. Thus, Applicants submit that claims 55 is allowable and the rejection should be withdrawn. Furthermore, claim 23 has been similarly amended as claim 55 and Applicants submit that claim 23 is allowable and the rejection should be withdrawn. Claims 24-28 and 56-

58 depend from claims 23 and 55, respectively, and allowable for at least the same reasons as claims 23 and 55.

Claim 51

Claim 51 as amended recites:

> a first field storing a content identifier value, said first field having a label of **WMContentID, said content identifier value representing a performance of a particular work as it relates to a specific collection**, said performance being embodied in the media content;
> a second field storing a collection identifier value, said second field having a label of **WMCollectionID, said collection identifier value representing a single physical medium of the media content**; and
> a third field storing a group identifier value, said third field having a label of **WMCollectionGroupID, said group identifier value representing a plurality physical medium of the media content**.

The data structure includes a first field (e.g., WMContentID) storing a content identifier value, a second field (e.g., WMCollectionID) storing a collection identifier value, and a third field (e.g., WMCollectionGroupID) storing a group identifier value (paragraph [0080]; FIG. 8). The first, second, and third fields **represent different levels of granularity for identifying the media content** (paragraph [0080]). Advantageously, **the specific namespace identifiers** described herein (FIG. 8 and FIG. 9) provide granularity in characterizing the media content (paragraph [0081]) For example, the following identifiers represent increasing levels of granularity for classifying the media content: WMCollectionGroupID, WMCollectionID, and WMContentID, thus **the specific namespace identifiers are not merely a design choice** (paragraph [0081]).

Thus, Meyer and Srivastava, alone or in combination with the other cited references, do not teach or suggest **WMContentID, WMCollectionID, and WMCollectionGroupID** as recited in claim 51. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. KSR International Co. v. Teleflex, Inc. U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the **elements** of **WMContentID, WMCollectionID, and WMCollectionGroupID** nor the **result** of **WMContentID content identifier value representing a performance of a particular work as**

it relates to a specific collection, WMCollectionID collection identifier value representing a single physical medium of the media content, and WMCollectionGroupID group identifier value representing a plurality physical medium of the media content is not found in the combined art. Thus, Applicants submit that claims 51 is allowable and the rejection should be withdrawn. Claims 52-54 depend from claim 51 and are allowable for at least the same reasons as claim 51.

Claims 8, 39, and 49

Claims 8, 39, and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer and Srivastava in view of U.S. Patent Publ. No. 2006/0271989 to Glaser et al. ("Glaser"). Applicants disagree. Claims 8, 39, and 49 depend from claims which Applicants believe contain allowable subject matter. Accordingly, Applicants submit that dependent claims 8, 39, and 49 are patentable for at least the same reasons that the independent claims from which they depend are believed to be allowable.

Claims 53-54, 57, 58, and 60

Claims 53-54, 57, 58, and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer and Srivastava in view of U.S. Patent Publ. No. 2004/0059795 to Ramey et al. ("Ramey"). Claims 53, 54, 57, 58, and 60 depend from claims which Applicants believe contain allowable subject matter. Accordingly, Applicants submit that dependent claims 53, 54, 57, 58, and 60 are patentable for at least the same reasons that the independent claims from which they depend are believed to be allowable

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

     Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

     The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Robert M. Bain/

Robert M. Bain, Reg. No. 36,736
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

RMB/BAW/cjl